

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ROBERT LISERIO,

PLAINTIFF,

V.

COLT OILFIELD SERVICES, LLC,
ROY E. (EDDIE) AGUILAR, TOTAL
TANK SYSTEMS, LLC, AND
TERRY BOOKER,

DEFENDANTS.

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CIVIL ACTION NO. 5:19-cv-01159

DEFENDANTS' NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Colt Oilfield Services, LLC ("Colt"), Roy E. (Eddie) Aguilar ("Aguilar"), Total Tank Systems, LLC ("Total Tank"), and Terry Booker ("Booker"), (collectively "Defendants"), Defendants in the above-styled and numbered cause and hereby files this Notice of Removal, removing this action brought by Plaintiff Robert Liserio ("Plaintiff") from the 438th Judicial District Court of Bexar County, Texas, where the action is currently pending, to this Court on the basis of diversity of citizenship jurisdiction pursuant to 28 U.S.C. §§ 1332(a), 1441(a) and (b) and 1446, and respectfully represents to the Court the following:

DESCRIPTION OF ACTION

1. On September 16, 2019, Plaintiff filed a civil action entitled *Robert Liserio v. Colt Oilfield Services, LLC, Roy E. (Eddie) Aguilar, Total Tank Systems, LLC, and Terry Booker*, in the 438th Judicial District, bearing Cause No. 2019-CI-19395. On or about September 24, 2019, Plaintiff's attorney emailed a copy of Plaintiff's Original Petition to Defendants' attorney. In the

action, Plaintiff seeks to address allegations of breach of contract, breach of fiduciary duties, breach of good faith among members of the joint venture, conversion, and seeks to implement a constructive trust and continuing accounting. *See* Exhibit A attached hereto, Plaintiff's Original Petition.

DIVERSITY JURISDICTION

2. Pursuant to 28 U.S.C. § 1332(a), the United States District Courts shall have original jurisdiction of qualifying civil actions in which there is complete diversity-of-citizenship and the amount in controversy exceeds \$75,000.00.

3. Plaintiff's Original Petition alleges that Plaintiff is an individual who is a citizen of the Wyoming. (Ex. A, Plaintiff's Original Petition ¶4.)

4. Defendant Colt Oilfield Services, LLC, is a Texas limited liability company with its principal place of business in Bexar County, Texas. Defendant Colt is therefore a citizen of Texas for diversity-of-citizenship purposes.

5. Defendant Roy E. (Eddie) Aguilar is an individual who is a citizen of Texas.

6. Defendant Total Tank Systems, LLC, is a Texas limited liability company with its principal place of business in Bexar County, Texas. Therefore, Defendant Total Tank Systems, LLC, is a citizen of Texas for diversity-of-citizenship purposes.

7. Defendant Terry Booker is an individual who is a citizen of Texas.

8. The threshold \$75,000.00 amount-in-controversy requirement for diversity-of-citizenship jurisdiction is satisfied. Plaintiff has represented that he seeks damages in excess of \$1,000,000.00. *See* Ex. A, Plaintiff's Original Petition ¶2.

9. None of the above-named Defendants have been served with process.

PROCEDURAL REQUIREMENTS

10. Defendants satisfy the procedural requirements for removal to this Court.
11. Pursuant to 28 U.S.C. §1441(a), venue is proper in this Court, as it is the district and division embracing the place where the State Court Action is pending.
12. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served in the State Court Action are attached hereto as Exhibit B.
13. Pursuant to 28 U.S.C. § 1446(b)(1), this Notice of Removal is timely filed because it was filed within thirty days of Defendant's receipt of a copy of the initial pleadings.
14. Pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal will be served upon Plaintiff's counsel and a copy filed with the Clerk of Court for the 438th Judicial District Court of Bexar County, Texas.

CONCLUSION

15. Removal to this Court is proper because, as set forth above, this Court has original jurisdiction over Plaintiff's claims based on diversity of citizenship, and Defendant has satisfied the procedural requirements for removal.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully give notice of and remove the action to this Court.

Dated: September 25, 2019

Respectfully submitted,

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By: /s/ Kyle C. Watson

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been delivered via electronic mail on this 25th day of September, 2019 to:

Shelby A. Jordan

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